



Patent
Attorney's Docket No. 016660-039

#6
W. Lawson
5/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of |) | |
| |) | |
| Oscar Chi-Lim AU et al. |) | Group Art Unit: 2613 |
| |) | |
| Application No.: 09/659,597 |) | Examiner: Lee, R. |
| |) | |
| Filed: September 11, 2000 |) | Confirmation No. 4795 |
| |) | |
| For: DEVICE, METHOD AND DIGITAL |) | |
| VIDEO ENCODER FOR BLOCK- |) | |
| MATCHING MOTION ESTIMATION |) | |

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

In response to the Restriction Requirement dated April 16, 2003, the Applicants hereby provisionally elect, albeit with traverse, Group VII, as claimed in claims 12, 13, 15, 24, 26, 35 and 37.

The Applicants traverse the Restriction Requirement. The Applicants believe that at least Groups I and VII, as indicated by the Official Action, are drawn to sufficiently interrelated inventions to warrant examination thereof in a single application. The Official Action refers to MPEP §806.04 and MPEP §808.01 to suggest that the inventions embodied by the claims set forth in Groups I and VII are unrelated. Nonetheless, the Applicants respectfully submit that the invention of Groups I and VII are directed to a method of selecting, for a block of a first image based on an array of pixels, a similar block of a second image based on the array of pixels. The Applicants submit that the invention of Group I and Group VII are merely subcombinations of the previously described method. Accordingly, the invention in Groups I and VII are claimed and

disclosed as being capable of use together, having the same mode of operation, the same function, the same effects and connected in design and operation as required under MPEP §806.04 and MPEP §808.01.


The Applicants respectfully submit that a complete search for either of the above-referenced Groups would necessarily encompass a search for the subject matter of the other Group. Thus, the Applicants submit that the search and examination of the claims in Groups I and VII can be made without serious burden on the U.S. Patent and Trademark Office. M.P.E.P. §803 clearly states that "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The Applicants believe that this policy should apply in the present application in order to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement as applied to Groups I and VII and to examine the claims in Groups I and VII in this application.

If the Examiner has any questions concerning the Response or the application in general, the Examiner is invited to contact the undersigned so as to expedite prosecution.

Respectfully submitted,

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